

**MINUTES OF REGULAR MEETING  
OF  
GREENSBORO PLANNING BOARD  
AUGUST 18, 2004**

The Greensboro Planning Board met in regular session on Wednesday, August 18, 2004 at 2:01 p.m., in the City Council Chambers, 2nd floor, Melvin Municipal Office Building. Board Members present were Chair Patrick Downs, J.P. McIntyre, Dick Hall, Stephen Marks, John Rhodes and Mike Fox. Staff members present were Dick Hails, Planning Director, and Alec MacIntosh and Bill Ruska with the Planning Department. Sue Schwartz represented the Housing & Community Development Department. Blair Carr, Esq., represented the City Attorney's Office.

Chair Downs called the meeting into session.

**APPROVAL OF MINUTES OF THE JULY 21, 2004 REGULAR MEETING**

Mr. McIntyre moved approval of the minutes of the July 21, 2004 regular meeting as written, seconded by Mr. Marks. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Marks, Rhodes, Fox. Nays: None.)

**PUBLIC HEARINGS:**

**A) ORDINANCE AMENDING SECTION 30-5-2.75, PRIVATE DORMITORIES, OF THE DEVELOPMENT ORDINANCE TO ADD DEVELOPMENT STANDARDS. (RETURNED TO STAFF)**

Counsel Blair Carr said this was a request by the Planning Department staff for an amendment to the section of the City's Code that addresses a use known as "private dorms." The original ordinance was couched in terms of serving those students within a half-mile radius from the private dorm. The land use principles behind use of that radius are reduction of traffic, reduction of parking and promotion of walkability.

Recently, based on a citizen's complaint, staff had addressed a situation at the private dorm on West Market Street. Staff learned from the landowner that there were times when enough students attending campuses within a half mile radius of the facility might not lease there, putting the private dorm owner at a disadvantage because unoccupied rooms could not be let to anyone other than those students. Staff felt they could address and amend the ordinance, but still uphold the principles underlying the ordinance, by allowing the private dorm owner to let no more than 25 percent of the rooms to other students, but not necessarily other students.

Rentals to those other students would have to meet a higher parking requirement. Also, staff added a records requirement to ensure that they were still renting to students primarily from those campuses within a half-mile radius and that they were renting to students, period.

Counsel Carr said the present ordinance was originally adopted to facilitate a private dorm known as the Aggie Inn in close proximity to A&T. That building is no longer a private dorm. The only one currently in existence is the one on West Market Street. The definition of a "private dorm" was a facility to house students registered and attending campuses such as universities, colleges, trade schools and so forth, within a half-mile radius.

Counsel Carr said as to parking, there would be two different standards. One applied only to the portion rented to non-primary ("primary" meaning all those campuses within a half-mile of the facility) campus students. Parking for the non-primary students would have to meet the requirements of a multifamily complex.

Chair Downs said to him that did not make much sense because the market conditions have determined the mix in that place right now. If a regulatory structure was being proposed that would not meet market conditions or can't, shouldn't they be somehow restructuring this text so it does?

Counsel Carr said Chair Downs raised a good point and one that was discussed by staff. But breaking it away from primary campus and making it a market test, you would be getting away from land use principles underlying the use of a private dorm. If you let to non-students, it would simply be a multifamily dwelling. Private dorms were allowed to accommodate greater densities than a multifamily would unit be.

Mr. Hall said, understanding the principles that staff was asking the Board to adopt today by way of amendment, the Board members did not know if by adopting this, they are going to continue to have a violation at this site.

Counsel Carr said that was a possibility. The owners were aware that if this amendment is adopted they still must reduce non-primary students to that 25 percent. The owners were fully aware of the ordinance now in place and essentially let in violation of the ordinance. Staff had not thought in terms of "reasonable time" for someone who had violated the ordinance to come into compliance, but staff could certainly entertain that.

Mr. Hall said his concern was that some students living there were innocent victims of a bad landlord. A landlord who knew he was violating the law, but took advantage of the inability of the City to monitor its own rules.

Counsel Carr said the City had not been affirmatively auditing this facility. Staff had been addressing it on a complaint basis. Right now there was no record requirement for the owner of the facility. She said the City was put on notice by a complaint by a citizen. When a Code Enforcement Officer approached the manager of the facility, he was denied access to all those records and the next phone call he got was from a lawyer.

Counsel Carr said the violations that had occurred to date were violations that must be addressed under the Code as it stands. The Code as it stands merely has a violation per day amount fine or penalty. Staff chose to work with the landowner and come to this Board with an amendment - now certainly this was not an amendment that she would think would wholeheartedly embraced by the landlord because the landlord would like to take the position Mr. Downs inquired about. Staff had not begun assessing fines because they were working through this issue to bring an amendment forth to this Board and that was not unlike other procedures staff had taken in the past.

Mr. Hall said he favored enforcement actions on a landlord who had acted like this, who knew he had violations, knew he was breaking the ordinance, denied staff access to his records. He was concerned about individual students finding a way to get reparation from a landlord who was operating illegally, knew he was operating illegally and denied the City access to the information it reasonably needed to determine if he were acting illegally.

Mr. Rhodes said he was concerned that students but not NCA&T students meet the half-mile provision. It prevents A&T students from being residents of that building.

Counsel Carr said that it was Planning staff's belief that because GTCC had a facility where students attend classes within a half mile that they would be eligible to live at University Square.

Mr. Rhodes said the building at 500 West Washington Street housed only GED and high school people. He wanted staff to advise how many GTCC students were housed in the subject facility.

Chair Downs was advised that the landlord or owner was not present here today.

Counsel Carr said that short of getting tenant records from the owner, staff was handcuffed. If staff gained access to these records and could get that information from the landlord, staff would certainly do their best to provide Mr. Rhodes with the number of GTCC students who lived there and for how long.

Mr. Hall said the City holds the trump card. The City had an ordinance that let a landowner operate a private dormitory over there, but the landowner was fleecing the public. He also hoped that the landowner would figure out that he had better bring his records in and let staff make some determinations about how they have been abusing the privilege, the license that the taxpayers and the citizens of Greensboro gave to this facility to allow it to overcome what was represented at that time to be a housing problem.

Counsel Carr said staff was mindful of the innocent students who were there. Staff saw this as a problem for the landowner to remedy. Secondly, she would address another point: "Was this ordinance amended strictly because there was a complaint of A&T students there?" She said the complaint that came in sparked the discussion and in the discussion with the landowner, staff discovered that there might be times where the primary campuses do not fill that facility, in which case the needs of the primary campuses apparently are met. Staff felt they should not necessarily handcuff, if you will, the private dorm owner if he had met the needs of the primary campuses and still had an abundance of rooms that could be let. With that, staff decided to address it by giving them a 25 percent wiggle room on the tenant policy. Also she thought Mr. Hall did bring up a good point.

Mr. McIntyre suggested clarification of the half-mile radius. Was the measurement taken from the center of campus, the edge of campus or was it a building the university owns?

Counsel Carr said that was a good point as well. She thought staff had included GTCC because of their facility on Washington Street.

Counsel Carr said the 25 percent was put in because it was analogous to accessory uses and analogous to home occupations, so there was some precedents in the ordinance to allow a portion of

an otherwise primary use to be used for something else yet, not destroy the character of the primary use.

Chair Downs said the notion of applying an accessory use standard into a housing standard was apples and oranges. He understood the 25 percent, but it seemed to him there should be a more rational basis to set a level around here.

Counsel Carr said the burden then was on the landowner. If the facility cannot, from a parking standpoint, accommodate 25 percent to non-primary students, that was the landlord's problem. His parking count might dictate that he could not let to 25 percent.

Chair Downs said, in his opinion, this text needed refinement.

Mr. Rhodes said, like Mr. Hall, he has some serious reservations about this amendment.

Mr. Fox said he certainly support the concept of allowing the landowner some flexibility in renting to students who were not on those primary campuses. He thought the overall public policy of supporting affordable student housing that was conveniently located, that does not impose an additional traffic burden on the City or the neighborhoods, was a good public policy. As to Mr. Hall's issues, certainly the enforcement of the previous violations was a separate matter and if it were to be determined that the landowner was flagrantly violating these standards, then he should be dealt with appropriately.

Chair Downs asked if there were anyone present who wished to speak in favor of this matter, and no one came forward.

Chair Downs asked if there were anyone present who wished to speak in opposition to this matter.

Todd Rotruck said he lived at 213 Wilson Street in the Westerwood neighborhood, which lies diagonally across from the University Square property. It was the neighborhood's goal to try and improve the stability of their community. Today he was here to voice their concerns and to oppose this text amendment. He could assure the Board that if this should go to City Council, the neighborhood would be there to fight it every step of the way. Private dormitories provide a valuable service for local neighborhoods such as Westerwood and for College Hill. This zoning had functioned very well to alleviate the noise and traffic problems for the many years that it had operated.

Mr. Rotruck said what would likely happen if that proposed text amendment were passed is that students inside of the half-mile radius would be displaced. Most likely they would be displaced back into the surrounding neighborhoods, again increasing the potential for noise and traffic problems that used to be such an unbearable problem for surrounding neighborhoods.

Mr. Fox said he understood Mr. Rotruck's concerns and he agreed with him that the first preference for housing in these units should be for those campuses that are close enough to walk to, because that serves the purpose of the reducing traffic. There was a sentence in the proposed amendment that said, "Preference to the leasing of a vacant unit must always be exercised in favor of a student from a primary campus." He asked if that did not address his concern?

Mr. Rotruck said there was still a concern over the non-primary campus student renters. A student from A&T who lived there would, when going to campus, have to get in a car and drive. In contrast, a student from Greensboro College or UNCG would simply walk to class.

Mr. Fox said it appeared to him that that property was bounded by two substantial roads, on Friendly and Market, and he would be curious if most of the traffic would not be on those major streets as opposed to the residential streets in the neighborhoods. He asked if there had been any traffic studies done or observations that would shed light on the situation?

Mr. Rhodes said Mr. Rotruck made the statement that students at UNCG and Greensboro College don't drive to school, but his observation was that everybody drives to school. Even people that live on campus drive around campus. Also, he just wanted to make sure that A&T students had the privilege to live where everybody else had the privilege to live.

Mr. Marks asked that if the text amendment proceeded, could there also be an onus put on the owner of this property that at the beginning of each semester they have to give the City an accounting? Could that be put into the amendment to the ordinance?

Counsel Carr said the ordinance was written so that staff would inspect those records every fall. Certainly if the Board would like to see it done on a semester by semester basis, staff could certainly address that.

Mr. Marks said he wanted to get away from the City having to wrestle with attorneys. He thought that this document should go forward and he would like to have a reporting date incorporated in it, thus putting the burden on the landowner. Earlier Counsel Carr mentioned that basically there was a property in the City that was in non-compliance. What was the time line that staff would normally have for giving them a warning stage before fines and penalties, etc., were instituted?

Mr. Hails said the Notice of Violation, upon verifying that a violation exists, had to specify a specific amount of time being given to the folks to reasonably respond and remedy the violation. That would vary, depending upon the nature of the violation.

Mr. Marks said what he was hearing was that as long as they stonewall the records, the City could not go forward?

Mr. Hails said that was more of a legal issue.

Counsel Carr said that was correct. Did staff like to bring matters like this into the court system and force compliance or at least force inspection of the records. Was that an option available to staff, yes. Staff had always found cooperation by landowners, even if they don't like what they have to comply with, to be the best end result. Staff had been turned away at the door once and it had precipitated these discussions. Staff had not tried that door again as of today.

Mr. Hall said the landowner violated the law twice. He violated it once by just ignoring the ordinance under which he operated. Then he blatantly refused to comply with the very crux of the zoning that allowed him to be there and that was being able to establish for the City inspectors that the people living there were in compliance with the requirements of the ordinance.

Mr. Rotruck said he really questioned whether the landowner was having difficulty getting students in because there are a lot of vacant properties in his neighborhood right now. One reason that they were vacant was because a lot of them moved up into the high-rise. So he really found it hard to accept that the landowner was having trouble filling his dormitory.

Mr. Fox commented that, with all due respect to Mr. Hall's concerns, which he thought were valid in regards to the potential of abuse of this ordinance by this property, philosophically he would be in disagreement with Mr. Hall's suggestion and he wanted staff to understand that. If people break laws, punish those people, but he didn't think the solution to it was to clutter up the ordinance with something specifically designed to address one situation.

Seeing no other speakers from the public, Chair Downs closed the public hearing.

Chair Downs said the Board had three options, 1) yes, 2) no or 3) ship it back to staff. He thought there had been a lot of direction from the Board as to the members' thoughts on this, and then asked for a motion.

Mr. Hall moved that the Board not consider the Ordinance as presented today and that staff go back and encourage the owner of the building to be more cooperative and maybe put the City in a position to evaluate the feasibility of this ordinance. Based on the information staff had obtained, staff believed that a current use continuing there could be maintained with some flexibility to allow some housing from outside the immediate area around the private dorm. He would feel a lot better about it if the landowner made some showing of interest in working with the City, which had been trying to work with him. Mr. Rhodes said he seconded the motion, but offered a friendly amendment to the motion that the City staff also do an investigation for information relative to GTCC, such as occupancy and length of time.

Mr. Hall had no objection to the amendment to his motion. Thereupon, Mr. Fox seconded the amended motion. The Board voted 6-0 in favor of the amended motion. (Ayes: Downs, McIntyre, Rhodes, Marks, Fox, Hall. Nays: None.)

**B) REVISIONS TO SOUTHSIDE TRADITIONAL NEIGHBORHOOD DEVELOPMENT PLAN – TO PERMIT MULTIFAMILY USES IN TWO SMALL ADDITIONAL AREAS. (APPROVED)**

Ms. Schwartz said these revisions were to permit multifamily uses in the traditional neighborhood development plan, which comes before this Board for initial approval and for amendments, governs development in the TN-1 zoning district to which it pertains. The major elements of such a plan are the locations of streets, public open spaces, residential, commercial, and civic uses; a list of project specific land uses; and a list of project-specific development standards, including standards in – or standards to stand in lieu of – a series of tables and sections of the Ordinance. The plan specifies permitted uses, dimensional requirements for lots and building placement, street and alley width standards, etc. The Technical Review Committee (TRC) recommends approval of the revisions before the Board today.

In response to a question from Chair Downs, Ms. Schwartz explained why staff thought the attached, multifamily, owner-occupied units would be best suited to these sites.

Mr. Rhodes said there was a commercial building on the opposite corner of Victor Place and McAdoo, he wanted to know if there was some proposed plan for that?

Ms. Schwartz said that was outside of their study area and outside of their ability to purchase property. However, Downtown Greensboro, Inc., had been discussing coming in and doing development on that Victor Place/King Street area.

She said on the other end where you see the B-1, there was the Bartlett Tree Place, which was on the corner of King and Gorrell Street. The total property owned by the owner was Bartlett Tree and property north of that. Staff never thought they would be able to get this property. However, the owner came to staff in a friendly sale and said he wanted to support what was being done, as long as he could get a decent price. So the City now owns that property and that will require stronger amendments, which staff will bring back to the Board and Zoning Commission because it would require extending the TN Zoning District to incorporate all that area. The plans would be done in conjunction with the neighborhood.

Mr. Rhodes asked about the vacant old Colonial style house on the corner of Gorrell and McAdoo.

Ms. Schwartz said that was not on the original acquisition list because it was in good condition. However, since then a fallen tree had done much damage. The property had recently been sold to the existing property owner's niece, who was working with Preservation Greensboro, Inc., on the restoration of that property.

Chair Downs asked if there was anyone present who wished to speak to this matter, and no one came forward. He then closed the public hearing.

Mr. Marks moved approval of the revisions to Southside Traditional Neighborhood Development Plan, seconded by Mr. Hall. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Marks, Fox, Hall. Nays: None.)

#### **ANNEXATION PETITIONS:**

**A) PROPERTIES OF DEE SAMET CHANDLER AND ROGER D. AND DIANNE THORSEN ABERNATHY, SOUTH OF INTERSTATE 40/85, WEST OF COVERED WAGON ROAD, AND NORTH OF IMPERIAL ROAD – TOGETHER WITH ADJOINING INTERSTATE TO NORTH AND WESTWARD BACK TO EXISTING CITY LIMITS – 233-ACRE SATELLITE ANNEXATION. (RECOMMENDED)**

Mr. MacIntosh stated that in a satellite annexation, petitioners may add into the petition adjoining property that is tax exempt. Here they have added Interstates 40/85 alongside their properties and westward so as to link up to a previous satellite annexation. The property has one older house on it, apparently vacant. It is in Tier 1, the Current Growth Area (0-10 years) on the Growth Strategy Map in the Comprehensive Plan. A 6" City water line is being stubbed to this property by the adjoining subdivision immediately southeast. There is an 8" sewer line running through the west side of the property. Due to the travel distance necessary to serve this property, the TRC would have recommended against this annexation were it not for the substantial number of utility agreement and annexation petitions already received nearby and the prospect of several more arriving in the near

future. The Mt. Hope Church Road-I-40/85 interchange has become a focal point in eastward growth. The TRC recommends this annexation.

Mr. Tom Terrell, attorney, said he was present to answer any questions the Board had.

Mr. Fox moved to recommend this annexation to City Council, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Marks, Fox, Hall. Nays: None.)

The following five utility agreement and annexation petitions in Tier 1 were presented together. There were no speakers from the public on any of them.

**B) PROPERTY OF FELLOWSHIP HALL, INC. AT 5140 DUNSTAN ROAD, EAST OF U.S. HIGHWAY 29 NORTH AND SOUTH OF HICONE ROAD – 76.674-ACRE SATELLITE ANNEXATION. (RECOMMENDED)**

Mr. MacIntosh said this petition is about a mile driving distance from the primary city limits but lies closer to the center of town than do the already annexed Reedy Fork development and the industrial area near Bryan Park. The property is occupied by a treatment center and several houses. A water line is under construction to this property. This property drains toward a new City lift station about a mile to the south, but via annexation the City does not assume any obligation to construct a sewer line to this property. Provision of other City services would be similar to their provision to the already-annexed properties farther out. The TRC recommends the annexation.

Mr. Fox moved recommendation of this annexation, seconded by Mr. Marks. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Marks, Fox, Hall. Nays: None.)

**C) PROPERTY OF STEPHEN R. COBB AT 4601 HICONE ROAD, EAST OF JASON ROAD – 0.928-ACRE SATELLITE ANNEXATION. (RECOMMENDED)**

Mr. MacIntosh said this property is occupied by a veterinarian's office connected to City water and sewer. Provision of other City services would be similar to their provision to the already-annexed properties farther out. The TRC recommends the annexation.

Mr. Rhodes moved recommendation of this annexation, seconded by Mr. Fox. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Marks, Fox, Hall. Nays: None.)

**D) PROPERTY OF HICONE PROPERTIES, LLC, THE HICONE SHOPPING CENTER AT SOUTHWEST CORNER OF HICONE ROAD AND RANKIN MILL ROAD – 11.25-ACRE SATELLITE ANNEXATION. (RECOMMENDED)**

**E) PROPERTY OF HICONE PROPERTIES, LLC, THE SHOPPING CENTER AT SOUTHEAST CORNER OF HICONE ROAD AND RANKIN MILL ROAD – 7.39-ACRE SATELLITE ANNEXATION. (RECOMMENDED)**

Mr. Marks moved recommendation of the 11.25-acre annexation, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Marks, Fox, Hall. Nays: None.)

Mr. Fox moved recommendation of the 7.39-acre annexation, seconded by Mr. Marks. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Marks, Fox, Hall. Nays: None.

Mr. MacIntosh said these properties together constitute the shopping center area at the intersection of these two roads. Both properties are already connected to City water and sewer. Provision of other city services would be similar to their provision to the already-annexed properties farther out. The TRC recommends these annexations.

**F) PROPERTY OF JOE AND GAIL WILLIAMSON AT 4522 ECKERSON ROAD 10.634-ACRE SATELLITE ANNEXATION. (RECOMMENDED)**

Mr. MacIntosh said this property lies directly across the street from a previous satellite annexation, a single-family subdivision named Laurel Ridge. This property has one house on it, connection to City water. It it was downhill from the house to a sewer line being installed by the new subdivision. Provision of other City services would be similar to their provision to the already-annexed properties farther out. The TRC recommends the annexation.

Mr. Hall moved recommendation of this annexation, seconded by Mr. Rhodes. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Marks, Fox, Hall. Nays: None.)

**EASEMENT RELEASES:**

**A) RESOLUTION AUTHORIZING RELEASE OF TRIANGULAR-SHAPED PORTION OF 15-FOOT SANITARY SEWER EASEMENT AT NORTHEASTERN SIDE OF 3502 THROUGH BROOK COURT.(APPROVED)**

Mr. Hall moved approval this release, as reviewed and approved by the relevant utilities, seconded by Mr. Marks. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Marks, Fox, Hall. Nays: None.)

**ITEMS FROM THE DEPARTMENT:**

**A) SEPTEMBER MEETING WILL BE ON THIRD WEDNESDAY (NO JOINT MEETING WITH ZONING COMMISSION).**

**B) CONTINUING DISCUSSION CONCERNING FUTURE MEETING SCHEDULE.**

Mr. Hails said this was a follow-up with the Board about how the proposed upcoming joint meetings with the Zoning Commission might affect the Board's regular meeting schedule. No newly received applications require rezoning, a Comp Plan Amendment; therefore, there was no need for a joint meeting in September.

In follow-up to the discussion last month where the Board requested a single meeting per month, staff's recommendation was that the Board change its meeting date to the second Monday of the

month. Staff's suggestion was that they begin that meeting at 11:00 a.m. If you had a long meeting, you might be forced to adjourn at 1:30 to give staff time to set up for the joint meeting starting at 2 o'clock. There were certainly other options that the Board might want to consider, such as switching back and forth between the Wednesday date and their Monday date. Staff thought that would be a bit more complicated, but staff could live with it, if the Board could as well.

Mr. Hall and Chair Downs expressed strong concern about conflicts with prior commitments Board members have midday on the first Monday.

Mr. Fox said he agreed with Mr. Hall, and added that any Board meeting Monday morning would be very difficult for any trial attorney because they always had calendar call on Monday morning and you could never count on being able to get out of calendar call at any reasonable hour.

Mr. Rhodes said he too had a problem with 11 o'clock as his classes were between 9 am and 1 noon. In addition, he expressed concern that back-to-back meetings could almost turn into an all-day proposition.

Chair Downs said he did not think there was much support from the Board for the Monday at 11:00 option. Also, it still looked to him like they were folding themselves into the Zoning Commission's schedule. He said he didn't see a solution yet.

Mr. Hails said if both groups were going to have one meeting a month and both had the uncertainty of not knowing when the meeting would adjourn, it struck him that one group or the other was going to have that sort of awkwardness in terms of a joint meeting in between two regular meetings. He did not know a way that they could deal with that, other than have the groups meeting on separate days with their regular meeting, let them finish their business and then dealing with the joint meeting at the best time they could arrange.

Chair Downs said he had heard no opposition to that structure of Planning Board/Zoning Commission meeting jointly. What he had heard opposition to was Monday for that meeting. He would hope that staff could explore the idea of picking a day of the week when there would be the best response from both groups.

Mr. Fox reported on conversations he had with a number of City Council members about this scheduling issue. None with whom he spoke expressed any indication that the Zoning Commission was to be given preference in scheduling over the Planning Board.

Mr. Fox said he, like the Chairman, did not see the televising of the Zoning Commission meetings as an overwhelming public policy issue that drove scheduling these hearings. He didn't think it was either practical or equitable to have one group totally bend to the schedule of the other group.

Mr. Fox suggested that, if there were to be 6 meetings per year, it seemed to him that if each group made an accommodation on 3, that would be something that could probably be dealt with if they have a sufficient number of people from each of the two groups..

Mr. Marks said he supposed that Tuesdays were off the schedule because of City Council, leaving Monday, Wednesday and Thursday days available for discussion.

Mr. Hails said City Council met 2 Tuesdays per month, starting at 6 o'clock. So some Tuesdays might be off the table; others might not.

Mr. Marks suggested that staff check with Cablevision and see if there were other days of the week for the Zoning meeting, which could be an option. He knew with the advertising that had to be put out, a day had to be picked so that staff could put out the necessary advertising.

Mr. Ruska said that from a timing standpoint having the Zoning Commission meet at 11 am and aiming to have a 2 pm joint meeting would not work, because their meetings always run a considerable number of hours. There was one recently that went over 5 hours.

Mr. Hall said hopefully they could eliminate the Cable franchise issue running the meetings. It seemed to him Cablevision could videotape the meeting and keep right on running. Nobody would know the difference. He liked the idea of 3 and 3, with everybody bending 3 times.

Chair Downs said the direction from the Board would be for staff to come up with another day.

### **C) TEXT AMENDMENTS**

Mr. Hails said staff had been asked, as per the Comprehensive Plan's directive, to proceed with a major rewrite of the Development Ordinance. Staff was making plans to proceed with that. An RFP for consultant services would be going out next month or so. The first of January or thereabouts we would be proceeding with a 2-, possibly 3-year process. One issue was that staff was putting together a citizen participation plan on how to interact with different groups in the community. An important part of that was that they have a regular advisory group to work with. Staff's current thinking was this Board might be a strong prospect to serve as an advisory group for that overall effort. He wanted to let the Board know this in order, within the next month or two, to get the Board's reactions to it. Based on his experience working on such projects before, what this would likely entail would be some extended work sessions, possibly every 6 months or so. Or, if you chose to handle it differently, staff might be able to feed the Board more regular updates in a different fashion. Staff thought, with the Board having heard text amendments, the Board members would be the logical ones to whom which staff would look for this role. He would bring more details later.

In response to a question from Mr. Marks, Mr. Hails said the Comp Plan Monitoring Committee was only authorized for a 2-year period. While, they are charged with general monitoring of the implementation of the Comp Plan, they generally were not charged with being the lead input onto different amendments to the Plan. There are other sub-groups that had taken the lead on developing or following up on those plans. The Ordinance rewrite was probably the largest single thing called for out of the Comprehensive Plan, and staff felt the advisory committee needed to be outside that structure. Staff was expecting to have 8-10 community groups that were also stakeholders that they would keep in touch with throughout the process, but an advisory group was needed that would be getting educated and giving staff feedback on the process leading up an eventual public hearing before it moved on to City Council toward the end of the process.

**ITEMS FROM THE CHAIRMAN:**

Chair Downs said he was glad Mr. Hails was around the steer the ship as it came about.

**APPROVAL OF ABSENCES:**

Mr. Hall moved to approve the absences of Mr. Pike, Mr. Koonce and Mr. Bryson, seconded by Mr. McIntyre. The Board voted 6-0 in favor of the motion. (Ayes: Downs, McIntyre, Rhodes, Marks, Fox, Hall. Nays: None.)

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There being no further business, the meeting was adjourned at 4:03 p.m.

Respectfully submitted,

Richard W. Hails  
Planning Director

RWH/jd.ps